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<b>Application Number</b>	09/436,455
<b>Filing Date</b>	November 8, 1999
<b>First Named Inventor</b>	Christopher J. DANEK
<b>Group Art Unit</b>	3737
<b>Examiner Name</b>	D. Shay
<b>Attorney Docket No.</b>	435712000921

*(to be used for all correspondence after initial filing)*

**Total Number Of Pages In This Submission**


14 (w/5  
references)

<b>Attorney Docket No.</b>	<b>435712000921</b>
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**ENCLOSURES (check all that apply)**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (w/copy) - 2 pages    | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment / Reply                                     | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declarations                               | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                             | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request                           | <input type="checkbox"/> Terminal Disclaimer  | Form PTO -1449 - 4 pages (w/copy); Five (5) Reference; Return Receipt Postcard             |
| <input checked="" type="checkbox"/> Information Disclosure Statement - 3 pages | <input type="checkbox"/> Request for Refund   |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                | <input type="checkbox"/> CD, Number of CD(s) _____                                      |  |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application      |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53   |   |  |
|  | Remarks   |  |

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Morrison & Foerster, LLP, 755 Page Mill Road, CA 94304-1018  Richard R. Batt, Reg. No. 43,485
Signature	
Date	August 22, 2001

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on August 22, 2001.

**Kerry Keehan**

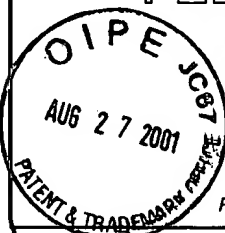
**Burden Hours Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.**

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FEE TRANSMITTAL  
FOR FY 2001

Complete if Known

Application Number	09/436,455
Filing Date	November 8, 1999
First Named Inventor	Christopher J. DANEK
Examiner Name	D. Shay
Group Art Unit	3737
Attorney Docket No.	435712000921



Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 180

## METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
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Number

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Deposit  
Account  
Name

Morrison &amp; Foerster LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$ 0

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
78	- 78** =	0	x 9 = \$ 0
Independent Claims	4	- 4** =	0 x 40 = \$ 0

Multiple Dependent

= \$ 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claims, if not paid	
109	80	209	40	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0

\*\* or number previously paid, if greater; For reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	180
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180

## SUBMITTED BY

Name (Print/Type)

Richard R. Batt

Registration No.  
(Attorney/Agent)

43,485

Complete (if applicable)

Telephone

650-813-5616

Signature

Date

August 22, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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pa-618334



Docket No. 435712000921

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Kerry Keehan

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TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Christopher J. DANЕК et al.

Serial No.: 09/436,455

Filing Date: November 8, 1999

For: DEVICES FOR MODIFICATION OF  
AIRWAYS BY TRANSFER OF  
ENERGY

Examiner: D. Shay

Group Art Unit: 3737

SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of document nos. 2-4, 6-12, 14-29, 31-92, and 94-103, were previously submitted in an Information Disclosure Statement, directed to the related application Serial Number 09/296,040, filed April 21, 1999, and, accordingly, copies are not included herewith. Copies of document nos. 1, 5, 13, 30, and 93 are being submitted herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

08/29/2001 MGE BREM1 00000004 031952 09436455

01 FC:126 180.00 CH

pa-611802

This Information Disclosure Statement is submitted:

- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \* is enclosed.
  - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Petition requesting consideration of the Information Disclosure Statement, an authorization to charge our deposit account, and a Certification under 37 C.F.R. § 1.97(e) are provided herein.


Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 435712000921. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

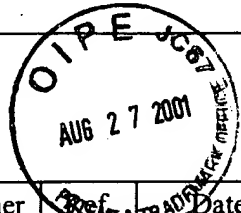
Dated: Sept 20, 2001

Respectfully submitted,

By:   
Richard R. Batt  
Registration No. 43,485

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<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number 435712000921	Application Number 09/436,455
	Applicant Christopher J. DANEK et al.	
	Filing Date November 8, 1999	Group Art Unit 3737
	Mailing Date August <u>22</u> , 2001	



## U.S. PATENT DOCUMENTS

**COPY**

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Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
dm	1.	06/06/1972	3,667,476 °	Muller			
dm	2.	06/11/1985	4,522,212	Gelinas et al.			
dm	3.	04/29/1986	4,584,998	McGrail			
dm	4.	06/23/1987	4,674,497	Ogasawara			
dm	5.	05/02/1989	4,825,871 °	Cansell			
dm	6.	09/05/1989	4,862,886	Clarke et al.			
dm	7.	09/11/1990	4,955,377	Lennox et al.			
dm	8.	05/28/1991	5,019,075	Spears et al.			
dm	9.	01/28/1992	5,084,044	Quint			
dm	10.	04/14/1992	5,103,804	Abele et al.			
dm	11.	03/09/1993	5,191,883	Lennox et al.			
dm	12.	10/26/1993	5,255,678	Deslauriers et al.			
dm	13.	12/14/1993	5,269,758 °	Taheri			
dm	14.	03/15/1994	5,293,869	Edwards et al.			
dm	15.	05/10/1994	5,309,910	Edwards et al.			
dm	16.	05/24/1994	5,313,943	Houser et al.			
dm	17.	09/13/1994	5,345,936	Pomeranz et al.			
dm	18.	11/29/1994	5,368,591	Lennox et al.			
dm	19.	12/20/1994	5,374,287	Rubin			
dm	20.	03/14/1995	5,396,887	Imran			
dm	21.	03/28/1995	5,400,783	Pomeranz et al.			
dm	22.	05/16/1995	5,415,166	Imran			
dm	23.	06/13/1995	5,423,811	Imran et al.			
dm	24.	07/18/1995	5,433,730	Alt			
dm	25.	08/22/1995	5,443,470	Stern et al.			
dm	26.	10/10/1995	5,456,667	Ham et al.			

EXAMINER: <i>[Signature]</i>	DATE CONSIDERED: <i>April 7, 2002</i>
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>				Docket Number 435712000921		Application Number 09/436,455	
Applicant <div style="text-align: right;">Christopher J. DANEK et al.</div>							
Filing Date November 8, 1999				Group Art Unit 3737			
Mailing Date August 22, 2001							

No.	Date	Pub. No.	Inventor(s)	Cited	Crossed Out	Other
28.	10/17/1995	5,458,596	Lax et al.	/	/	
29.	11/14/1995	5,465,717	Imran et al.	/	/	
30.	12/05/1995	5,471,982	Edwards et al.	/	/	
31.	12/26/1995	5,478,309	Sweezer et al.	/	/	
32.	03/05/1996	5,496,311	Abele et al.	/	/	
33.	04/23/1996	5,509,419	Edwards et al.	/	/	
34.	07/02/1996	5,531,779	Dahl et al.	/	/	
35.	08/13/1996	5,545,161	Imran	/	/	
36.	08/13/1996	5,545,193	Fleischman et al.	/	/	
37.	08/27/1996	5,549,559	Eshel	/	/	
38.	10/08/1996	5,562,608	Sekins et al.	/	/	
39.	12/31/1996	5,588,432	Crowley	/	/	
40.	01/21/1997	5,595,183	Swanson et al.	/	/	
41.	02/04/1997	5,598,848	Swanson et al.	/	/	
42.	02/11/1997	5,601,088	Swanson et al.	/	/	
43.	02/25/1997	5,605,157	Panescu et al.	/	/	
44.	03/04/1997	5,607,462	Imran	/	/	
45.	05/20/1997	5,630,425	Panescu et al.	/	/	
46.	10/28/1997	5,680,860	Imran	/	/	
47.	10/28/1997	5,681,308	Edwards et al.	/	/	
48.	01/13/1998	5,707,352	Sekins et al.	/	/	
49.	03/03/1998	5,722,401	Pietroski et al.	/	/	
50.	03/03/1998	5,722,403	McGee et al.	/	/	
51.	03/03/1998	5,722,416	Swanson et al.	/	/	
52.	03/24/1998	5,730,128	Pomeranz et al.	/	/	
53.	03/24/1998	5,730,741	Horzewski et al.	/	/	
54.	04/21/1998	5,740,808	Panescu et al.	/	/	
55.	05/19/1998	5,752,518	McGee et al.	/	/	
56.	06/02/1998	5,759,158	Swanson	/	/	
57.	06/23/1998	5,769,846	Edwards et al.	/	/	
	06/30/1998	5,772,590	Webster, Jr.	/	/	

EXAMINER: <i>[Signature]</i>	DATE CONSIDERED: <i>April 7, 2002</i>
------------------------------	---------------------------------------

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

Docket Number 435712000921

Application Number 09/436,455

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Christopher J. DANEK et al.

Filing Date November 8, 1999

Group Art Unit 3737

Mailing Date August 22, 2001

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Im	58.	07/21/1998	5,782,899	Imran			
Im	59.	08/11/1998	5,792,064	Panescu et al.			
Im	60.	08/18/1998	5,795,303	Swanson et al.			
Im	61.	09/15/1998	5,807,306	Shapland et al.			
	62.	<del>10/22/1998</del>	<del>USSN 09/176,899</del>	<del>Laufer</del>			
Im	63.	11/17/1998	5,836,947 °	Fleischman et al.			
Im	64.	12/01/1998	5,843,075	Taylor			
Im	65.	12/15/1998	5,848,969	Panescu et al.			
Im	66.	12/15/1998	5,848,972	Triedman et al.			
Im	67.	01/05/1999	5,855,577	Murphy-Chutorian et al.			
Im	68.	02/02/1999	5,865,791	Whayne et al.			
	69.	<del>02/04/1999</del>	<del>USSN 09/244,173</del>	<del>Laufer et al.</del>			
Im	70.	02/16/1999	5,871,443	Edwards et al.			
Im	71.	02/23/1999	5,873,865	Horzewski et al.			
Im	72.	03/16/1999	5,881,727	Edwards			
Im	73.	03/16/1999	5,882,346	Pomeranz et al.			
	74.	<del>03/29/1999</del>	<del>USSN 09/280,672</del>	<del>Laufer et al.</del>			
Im	75.	05/18/1999	5,904,651	Swanson et al.			
Im	76.	05/18/1999	5,904,711	Flom et al.			
Im	77.	06/01/1999	5,908,445	Whayne et al.			
Im	78.	06/01/1999	5,908,446	Imran			
Im	79.	08/10/1999	5,935,079	Swanson et al.			
Im	80.	08/24/1999	5,941,869	Patterson et al.			
Im	81.	09/21/1999	5,954,661	Greenspon et al.			
Im	82.	09/21/1999	5,954,662	Swanson et al.			
Im	83.	10/12/1999	5,964,753	Edwards			
Im	84.	10/12/1999	5,964,796	Imran			
Im	85.	10/26/1999	5,971,983	Lesh			
Im	86.	10/26/1999	5,972,026	Laufer et al.			
Im	87.	11/23/1999	5,991,650	Swanson et al.			

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EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



Form PTO-1449

Docket Number 435712000921

Application Number 09/436,455

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Christopher J. DANEK et al.

Filing Date November 8, 1999

Group Art Unit 3757

Mailing Date August 22, 2001

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88.	11/30/1999	5,992,419	Sterzer et al.			
89.	11/30/1999	5,993,462	Pomeranz et al.			
90.	12/07/1999	5,999,855	DiMarco			
91.	12/21/1999	6,004,269	Crowley et al.			
92.	01/04/2000	6,009,877	Edwards			
93.	01/18/2000	6,016,437	Tu et al.			
94.	02/15/2000	6,024,740	Lesh et al.			
95.	03/14/2000	6,036,687	Laufer et al.			
96.	07/04/2000	6,083,255	Laufer et al.			
97.	03/13/2001	6,200,333 B1	Laufer			
98.	07/03/2001	6,254,598 B1	Edwards et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
dm	99.	12/17/1998	WO 98/56324 A1	WIPO			
dm	100.	07/15/1999	WO 99/34741 A1	WIPO			
dm	101.	09/08/2000	WO 00/51510 A1	WIPO			
dm	102.	01/18/2001	WO 01/03642 A1	WIPO			

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
dm	103.	Dierkesmann et al. (1990). "Indication and Results of Endobronchial Laser Therapy," Lung (Suppl.):1095-1102.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.